

## OPINION 583

VALIDATION OF THE GENERIC NAME *CRENIPHILUS* (CLASS INSECTA, ORDER COLEOPTERA) AS FROM HORN, 1890, AND ASSOCIATED MATTERS

**RULING.**—(1) Under the plenary powers :

(a) the following names are suppressed for the purposes of both the Law of Priority and the Law of Homonymy :

(i) the generic name *Creniphilus* Motschulsky, 1845 (a justified emendation of *Cryniphilus* Motschulsky, 1845) ;

(ii) the specific name *aeneus* De Geer, 1774, as published in the binomen *Hydrophilus aeneus* ;

(b) all designations of a type-species for the nominal genus *Creniphilus* Horn, 1890, made prior to the present Ruling are hereby set aside and the nominal species *Hydrobius rufiventris* Horn, 1873, is hereby designated to be the type-species of that genus.

(2) The following generic names are hereby placed on the Official List of Generic Names in Zoology with the Name Numbers specified :

(a) *Anacaena* Thomson, 1859 (gender : feminine), type-species, by monotypy, *Hydrophilus globulus* Paykull, [1798] (Name No. 1393) ;

(b) *Crenitis* Bedel, 1881 (gender : masculine), type-species, by monotypy, *Hydrobius punctatostratus* Letzner, [1841] (Name No. 1394) ;

(c) *Creniphilus* Horn, 1890 (gender : masculine), type-species, by designation under the plenary powers in (1)(b) above, *Hydrobius rufiventris* Horn, 1873 (Name No. 1395) ;

(d) *Paracymus* Thomson, 1867 (gender : masculine), type-species, by monotypy, *Hydrophilus aeneus* Germar, 1824 (Name No. 1396).

(3) The following specific names are hereby placed on the Official List of Specific Names in Zoology with the Name Numbers specified :

(a) *globulus* Paykull, [1798], as published in the binomen *Hydrophilus globulus* (type-species of *Anacaena* Thomson, 1859) (Name No. 1702) ;

(b) *punctatostratus* Letzner, [1841], as published in the binomen *Hydrobius punctatostratus* (type-species of *Crenitis* Bedel, 1881) (Name No. 1703) ;

(c) *rufiventris* Horn, 1873, as published in the binomen *Hydrobius rufiventris* (type-species of *Creniphilus* Horn, 1890) (Name No. 1704) ;

(d) *aeneus* Germar, 1824, as published in the binomen *Hydrophilus aeneus* and as validated under the plenary powers under (1)(a)(ii) above (type-species of *Paracymus* Thomson, 1867) (Name No. 1705).

(4) The following generic names are hereby placed on the Official Index of Rejected and Invalid Generic Names in Zoology with the Name Numbers specified :

(a) *Creniphilus* Motschulsky, 1845 (as suppressed under the plenary powers in (1)(a)(i) above) (Name No. 1320) ;

- (b) *Crenophilus* Wickham, 1895 (an erroneous subsequent spelling of *Creniphilus* Horn, 1890) (Name No. 1321);
  - (c) *Crenophilus* J. L. R. Agassiz, 1846 (an unjustified emendation of *Creniphilus* Motschulsky, 1845) (Name No. 1322);
  - (d) *Crenophilus* J. L. R. Agassiz, 1848 (an unjustified emendation of *Creniphilus* Motschulsky, 1845) (Name No. 1323);
  - (e) *Crenophilus* d'Orchymont, 1942 (an unjustified emendation of *Creniphilus* Horn, 1890) (Name No. 1324);
  - (f) *Cryniphilus* Motschulsky, 1845 (an invalid original spelling of *Creniphilus* Motschulsky, 1845) (Name No. 1325).
- (5) The following specific names are hereby placed on the Official Index of Rejected and Invalid Specific Names in Zoology with the Name Numbers specified :
- (a) *aeneus* De Geer, 1774, as published in the binomen *Hydrophilus aeneus* (suppressed under the plenary powers in (1)(a)(ii) above) (Name No. 609);
  - (b) *aeneus* Dejean, 1821, as published in the binomen *Hydrophilus aeneus* (*a nomen nudum*) (Name No. 610).

#### HISTORY OF THE CASE (Z.N.(S.) 752)

Mr. J. Balfour-Browne (British Museum (Natural History), London) submitted a first draft of his application in the present case under cover of a letter dated 12 February 1953 to Mr. Hemming (then Secretary to the Commission). Considerable correspondence ensued on the complexities of the case, and the final draft was sent to the printer on 22 November 1954, and was published on 31 January 1955 (*Bull. zool. Nomencl.* 11 : 49-55).

On 11 November 1955, Professor J. Chester Bradley, who had previously corresponded with Mr. Hemming on the case, submitted a set of proposals alternative to those put forward by Mr. Balfour-Browne, concerned in particular with the date, authorship and spelling of the generic name principally involved. This led to further correspondence between Mr. Balfour-Browne, Professor Bradley and the Office of the Commission, and it was eventually found necessary to submit the two alternative sets of proposals to the Commission for a choice. This procedure is explained in the following report, circulated to the Commission by Mr. R. V. Melville, then Assistant Secretary to the Commission :

"This report presents to the Commission two conflicting sets of proposals in the present case, which concerns primarily the Coleopteran generic name *Creniphilus* (or *Crenophilus*) and the spelling, authorship and date to be attributed to it. The original application, by Mr. J. A. Balfour-Browne (British Museum (Natural History), London), was published in *Bull. zool. Nomencl.* 11 : 49-55, 31 January 1955.

"2. No comments on Mr. Balfour-Browne's proposals were received in time for publication in the *Bulletin*, but Professor Chester Bradley, after correspondence with the office of the Commission, submitted the following comments and alternative proposals on 11 November 1955 :

'To complete Mr. Balfour-Browne's application it appears to be necessary

to add to para. 15, sub-paragraph (i) on p. 54 the following :

‘To set aside the designation by D’Orchymont, 1942, of *Hydrobius digestus* Leconte, 1855, to be the type-species of *Crenophilus* (and to add for safety’s sake) and all other designations of a type-species for that genus.

‘(It should be noted that under the Rules in 1942 it was correct to attribute the genus to Horn, and the selection of *digestus* Leconte to be the type-species was valid.)

‘As the application stands, it is a request that the Commission adopt under its plenary powers an emendation (*Crenophilus*) that was made in 1846 for what was at that time (but not under the present rules) a *nomen nudum*, then was again proposed only 12 years ago as an emendation on etymological grounds of the same name after it had been re-introduced and validated by Horn. It is also a request to suppress a taxonomic genus proposed in 1845, which has been known and used by Coleopterists since its reintroduction by Horn 75 years ago, and to validate it under the emended name *Crenophilus* d’Orchymont, but with a type-species different from the one designated by that author. Such drastic action is not necessary to continuity and universality and would be liable to subject the Commission to criticism. The only really necessary actions under the plenary powers in connection with this taxonomic genus seem to be to change the type-species and to validate the action by d’Orchymont, 1942, in attributing the genus to Horn, 1890, an act that was correct under the Rules at the time that it was made. I therefore wonder whether the following would be acceptable to Mr. Balfour-Browne as a substitute for his proposal (*Bull. zool. Nomencl.* 1955, 11 : 54, para. 15) :

‘To request the International Commission

(1) to use its plenary powers :

- (a) to suppress the generic name *Creniphilus* Motschulsky, 1845 (a valid emendation of *Cryniphilus*) for the purposes of the Law of Priority but not for those of the Law of Homonymy ;
- (b) to validate *Creniphilus* as a generic name as from Horn, 1890 ;
- (c) to set aside the designation by d’Orchymont, 1942, of *Hydrobius digestus* Leconte, 1855<sup>1</sup> to be the type-species of *Crenophilus* and therefore of *Creniphilus* Horn, 1890, for which *Crenophilus* was proposed as a substitute name, and to set aside all other designations of a type-species for that genus prior to the present time ;
- (d) to designate *Hydrobius rufiventris* Horn, 1873, to be the type-species of *Creniphilus* Horn, 1890 ;
- (e) to suppress the specific name *aeneus* De Geer, 1774, as published in the combination *Hydrophilus aeneus*, for the purposes both of the Law of Priority and of the Law of Homonymy ;

(2) as Mr. Balfour-Browne’s proposal except for :

- (c) *Creniphilus* Horn, 1890 (gender : masculine), type-species, by

<sup>1</sup> ‘Since *Crenophilus* was a substitute name for *Creniphilus*, the designation of *digestus* Leconte to be the type-species, being one of the species originally included by Horn, 1890, was a valid type-designation for each genus.’

designation under the plenary powers in (1)(d) above, *Hydrobius rufiventris* Horn, 1873 ;

(3) as Mr. Balfour-Browne's proposals

(4) as Mr. Balfour-Browne's proposals, but add

*Crenophilus* d'Orchymont, 1942, an invalid emendation of *Crenophilus* Horn, 1890.'

" 3. There is one technical defect in the first of these proposals, namely, that in order to validate *Crenophilus* Horn, 1890, *Crenophilus* Motschulsky, 1845, must be suppressed for the purposes of both the Law of Priority and the Law of Homonymy.

" 4. Mr. Balfour-Browne, in replying on 16 December 1955 to Professor Chester Bradley's comment, drew attention to the technical defect just mentioned, and went on: 'The suggestion that my application is "a request to suppress a taxonomic genus proposed in 1845 which has been known and used by Coleopterists since its re-introduction by Horn 75 years ago . . ." does not bear much examination. *Crenophilus* Horn, 1890, as pointed out in my application, para. 8, has not been in continuous use for 75 years. Up to 1948 the nominal genus proposed by Motschulsky was a *nomen nudum*. Before Horn re-introduced the name validly in 1890, both the species included by name by Motschulsky had been removed by Thomson to two other genera, *Anacaena* (1859) and *Paracymus* (1867) respectively. Horn states explicitly (p. 268) that he was reviving an insufficiently described genus which "has for its types" the species "which are the types of *Paracymus* and *Anacaena*". He goes on to give a key to 10 American species which he includes in the genus.

'D'Orchymont, 1942, redefined the nominal genus proposed by Horn (which had fallen into desuetude); excluded both the species named by Motschulsky and explicitly stated by Horn to be the types of Motschulsky's genus (and therefore implicitly the only two species on which Horn's validation of that genus could legitimately be based); selected as type-species one of the 10 American species included by Horn in his nominal genus; and emended the spelling of the name to *Crenophilus*. By these actions d'Orchymont drew attention to the fact that Horn's nominal genus included the elements of four taxonomic genera: *Anacaena* Thomson, 1859; *Paracymus* Thomson, 1867; *Crenitis* Bedel, 1881; and a genus containing two species for which d'Orchymont reserved the emended spelling of Horn's name *Crenophilus*. In view of Horn's explicit statement mentioned above, it is, I submit, difficult to argue that *Crenophilus* d'Orchymont is a substitute name for *Crenophilus* Horn. By selecting *Hydrobius digestus* Leconte as type, d'Orchymont effectively created a new genus. I feel, therefore, that Professor Bradley's criticisms have no substance.'

" 5. Mr. Balfour-Browne is, of course, mistaken in thinking that only one of the two species mentioned by name by Motschulsky in 1845 in connection with *Crenophilus* is eligible for selection as type-species of *Crenophilus* Horn, 1890. *Crenophilus* Motschulsky, 1845, was a *nomen nudum* and could not itself be the valid name for a nominal genus prior to 1948. When then validated as a result of the action of the Paris Congress, it could only be defined in one of two senses, in one of which it would be a senior synonym of *Anacaena* Thomson,

1867. As regards *Creniphilus* Horn, 1890, however, this was a valid nominal genus at the time of its establishment, and any of the nominal species included in it by Horn was equally eligible to be selected as its type-species by d'Orchymont in 1942.

"6. The differences between the two sides in this case may therefore be expressed briefly as follows: Mr. Balfour-Browne wishes to validate *Creniphilus* as from the time when it first came into use (d'Orchymont, 1942) and to provide it with a type-species which will secure its taxonomic viability. Professor Chester Bradley wishes to validate *Creniphilus* as from the time when it was first validly proposed as a name (Horn, 1890) and concurs with Mr. Balfour-Browne's preference in regard to the type-species. Professor Chester Bradley considers that his alternative involves a less drastic use of the plenary powers than does Mr. Balfour-Browne's, but it is difficult to see why this is so, since both *Creniphilus* Horn and *Creniphilus* d'Orchymont have been objectively invalid homonyms since the validation in 1948 of *Creniphilus* Motschulsky, 1845 and *Creniphilus* J. L. R. Agassiz, 1846.

"7. Both specialists agree that *Hydrobius rufiventris* Horn, 1873, should become the type-species of the genus in question. This can only be secured by the use of the plenary powers in either case, for (a) it was not included in *Creniphilus* by d'Orchymont, and (b) although included in *Creniphilus* by Horn, it was not the species first validly designated as type-species (by d'Orchymont, 1942)."

#### DECISION OF THE COMMISSION

Voting Paper (59)9 was circulated with the above report to the members of the Commission on 31 July 1959 under the Three-Month Rule, and was divided into two parts. In Part 1 the members were invited to vote for or against the use of the plenary powers in connection with the authorship, date, and spelling of the generic name *Creniphilus* (or *Crenophilus*). In Part 2 a vote was requested either for Alternative A (Mr. Balfour-Browne's proposals in *Bull. zool. Nomencl.* 11 : 54-55) or for Alternative B (Professor Chester Bradley's proposals as set out in paragraph 2 and corrected in paragraph 3 of the circulated report). At the close of the Voting Period on 31 October 1959, the state of the voting was as follows:

Part 1. Affirmative Votes—twenty-four (24) received in the following order: Vokes, Boschma, Hering, Riley, Mertens, Hemming, do Amaral, Miller, Bodenheimer, Mayr, Prantl, Dymond, Bonnet, Hankó, Lemche, Obruchev, Key, Uchida, Brinck, Bradley, Kühnelt, Jaczewski, Tortonese, Stoll.

Negative Votes—two (2): Holthuis, Poll.

Leave of Absence—none (0).

Votes not returned—one (1): Cabrera.

Part 2. For Alternative A—11 votes: Riley, Hemming, Bodenheimer, Prantl, Bonnet, Hankó, Key, Uchida, Brinck, Kühnelt, Tortonese.

For Alternative B—13 votes: Vokes, Boschma, Hering, Mertens, do Amaral, Miller, Mayr, Lemche, Obruchev, Dymond, Bradley, Jaczewski, Stoll.

In opposing the use of the plenary powers in this case, Dr. Holthuis wrote (on 3 August 1959): "I cannot escape the impression that too much use of the

plenary powers for such a minor matter is asked. If I am correct, the name *Creniphilus*/*Crenophilus* has only been used sporadically before 1942, and though it is stated by Mr. Balfour-Browne that since 1942 *Crenophilus* 'has been generally accepted', I do not think that it will have gotten so well established in that time that its removal would do much harm. Though I am not at all acquainted with this group of animals, the simplest way out of the muddle seems to be the suppression of *Creniphilus* Motschulsky, 1845, and *Crenophilus* Agassiz, 1846, for the purposes of priority but not for those of homonymy, so that an altogether new name can be used for the genus in question. Another solution might be to designate *Hydrobius rufiventris* Horn to be the type-species of *Creniphilus* Motschulsky, 1845. In the former case only three and in the latter two actions under the plenary powers instead of five or six are necessary. I do not think that the complicated actions proposed in the Voting Paper are necessary at all."

Mr. R. V. Melville replied on 5 August 1959 as follows: "I think that it would be a mistake to regard the conservation of *Creniphilus* (or *Crenophilus*) as the central issue in this case. There is no doubt that this name is in general use (I take Mr. Balfour-Browne's word for this), but as you say, the fact that it has only been revived rather recently from long neglect means that it is not itself of fundamental importance. The point as I see it is that the sense in which that name is currently in use is contrary to the Rules, and that it is open to any zoologist to pervert stability by applying the Rules strictly so as to displace either *Anacaena* Thomson, 1859, or *Paracymus* Thomson, 1867. This situation arises from the Paris broadening of the definition of 'indication'. I accept Mr. Balfour-Browne's argument, that the best solution is to preserve *Anacaena* and *Paracymus* in their current senses (which is also their same value as 'nominal genera'), and to fix *Creniphilus* in the sense in which it has recently made itself acceptable.

"If your first suggestion were accepted, to invent a new name for the genus now known as *Creniphilus*, then the plenary powers would have to be used to suppress *Creniphilus* Motschulsky, 1845, and *Crenophilus* Agassiz, 1846, for the purposes of priority. This would reduce from five to two the uses of the plenary powers in connection with the taxonomic genus *Crenophilus* (the use of those powers in connection with the specific name *aeneus* is a separate question). But I doubt if such a solution would meet with approval from coleopterists, because *Creniphilus*/*Crenophilus* has in fact been current in the literature, as a synonym if not as a valid name, for a great many years, so that the mere sound of the name is familiar. Such action might produce stability in the next generation, or the next succeeding one, but I doubt if it would be helpful to Mr. Balfour-Browne and his contemporaries.

"Your second suggestion, to use the plenary powers to designate *Hydrobius rufiventris* as the type-species of *Creniphilus* Motschulsky, 1845, involves to my way of thinking a more drastic, though less subdivided, use of the plenary powers than that actually proposed. My point here is one that has, I think, conditioned a number of past decisions of the Commission but which has only been put into words by the London Congress for the first time, namely, that an action taken in accordance with the Rules ought not to be upset unnecessarily.

"D'Orchymont's action in 1942, followed by subsequent users, was in accordance with the Rules then in force. It is therefore in the spirit of the Rules to conserve the effects of that action, but it would seem to be a waste of effort to annul it simply in order to produce the same result by different means. I see nothing extraordinary in d'Orchymont's action having become well established in 17 years, for the generic name in question was undoubtedly well known historically to most coleopterists, and the high reputation of d'Orchymont's revision from the taxonomic angle would suggest that attempts to change his nomenclature when this was in accord with the Rules when he wrote would meet with considerable opposition.

"Surely one of the central factors in this case is that *Crenophilus* (and *Creniphilus*) must be disposed of in such a way that that name is stabilized in the sense which it has now acquired, and so that *Anacaena* and *Paracymus* are left undisturbed. The way that Mr. Balfour-Browne adopts to this end seems to me more logical and more likely to be understood and accepted by coleopterists, than the way you propose. His way may seem to involve a rather extensive use of the plenary powers, but it seems to me a less intensive and a less extreme use of those powers than your way."

Dr. Holthuis wrote on 7 August 1959: "Now that I know that it is desirable to continue to use the generic name *Creniphilus* or *Crenophilus* in entomology, I withdraw the first suggestion made in my letter of 3 August. Still, I do not see any use in validating *Crenophilus* d'Orchymont, 1942; this name has not been intended by d'Orchymont as a new name, but only was cited by him as from Horn, 1890, while Horn did nothing but revive Motschulsky's name. As stated in your letter d'Orchymont's action in 1942 was an action taken in accordance with pre-existing Rules. To place *Crenophilus* d'Orchymont on the Official List is as much a deviation from d'Orchymont's action (as he treated the genus as from Horn, 1890) as is the placing of *Creniphilus* Motschulsky on the List. I still believe that it is more in the interests of stability to have the oldest valid name, *Creniphilus* Motschulsky, placed on the List without recourse to the plenary powers than it is to validate *Crenophilus* d'Orchymont by having to suppress a host of earlier homonyms and synonyms under these plenary powers. In the end it will make extremely little difference whether the genus will be known as *Creniphilus* Motschulsky, 1845, or *Crenophilus* d'Orchymont, 1942, the more so as in either case the type-species has to be designated under the plenary powers. The chances that Motschulsky's name will be invalidated by older names are far smaller than those with d'Orchymont's name.

"Summarizing, I may state that I am not willing to give my vote for the use of the plenary powers to suppress the name *Creniphilus* Motschulsky, 1845, but that I have no objection in granting these powers for (1) the designation of *Hydrobius rufiventris* Horn, 1873, as the type of Motschulsky's genus, and (2) the suppression of the specific name *aeneus* de Geer, 1774, as published in the combination *Hydrophilus aeneus*."

Mr. Melville replied on 18 August 1959: "You wish to see either *Creniphilus* Motschulsky, 1845, or *Crenophilus* Agassiz, 1846, validated, but neither of these names has even been in use, nor is there any evidence of a wish among

coleopterists for their revival. Moreover, the type-species would have to be one which not only was not an originally included species, but was not even proposed until 28 years later, from a completely different region. This is what seems to me a too intensive use of the plenary powers.

"It also seems to me that *Creniphilus* Horn and *Crenophilus* d'Orchymont cannot be treated as names of the same nominal genus, partly because of the spelling difference, and partly because of the fact that d'Orchymont deliberately excluded the species which Horn regarded as the 'types' of Motschulsky's genus. *Crenophilus* d'Orchymont is thus a distinct nominal genus in its own right, and Mr. Balfour-Browne's proposals seem to me the least devious and to involve the least energetic use of the plenary powers."

Dr. Holthuis's last word on the subject was sent on 27 August 1959: "I still cannot share your view that *Crenophilus* d'Orchymont is a distinct genus. D'Orchymont himself cites it as *Crenophilus* Horn, 1890, and makes it very clear that he did not intend at all to establish a new genus. The difference in spelling from *Creniphilus* Horn is an intentional, though invalid, emendation as is distinctly indicated by d'Orchymont himself. If d'Orchymont indicated a type-species for the genus different from that used by Horn, he made a taxonomic error, which does not in the least make his generic name valid, it remains an objective synonym of *Creniphilus* Horn, 1890.

"I do not wish to withdraw my Voting Paper in order to make a proposal of my own . . . I stick to my negative vote as I see that as the better of the two alternatives between which we can choose. I only wanted to indicate to what kind of proposal I could have given my affirmative vote. It is my firm belief that in order to let the plenary powers keep their value they should not be used too freely, especially in matters of minor importance."

#### ORIGINAL REFERENCES

The following are the original references for names placed on Official Lists and Indexes by the Ruling given in the present Opinion.

- aeneus*, *Hydrophilus*, Dejean, 1821, *Cat. Coléopt.* : 51  
*aeneus*, *Hydrophilus*, De Geer, 1774, *Mém. Hist. Ins.* 4 : 379, pl. 15, figs. 5-7  
*aeneus*, *Hydrophilus*, Germar, 1824, *Ins. Spec. nov.* 1 : 96  
*Anacaena* Thomson, 1859, *Skand. Coleopt.* 1 : 18  
*Creniphilus* Wickham, 1895, *Canad. Ent.* 27 : 214  
*Creniphilus* Horn, 1890, *Trans. amer. ent. Soc.* 17 : 262, 265  
*Crenophilus* Motschulsky, 1845, *Bull. Soc. imp. Nat. Moscou* 18(i) : 32, errata  
*Crenitis* Bedel, 1881, *Faune Coléopt. Bassin Seine* 1 : 306, note  
*Crenophilus* J. L. R. Agassiz, 1846, *Nomencl. zool. Index univ.* : 103  
*Crenophilus* J. L. R. Agassiz, 1848, *Nomencl. zool. Index univ.* (another edition): 299  
*Crenophilus* d'Orchymont, 1942, *Mém. Mus. roy. Hist. nat. Belg.* (2) 27 : 28  
*Cryniphilus* Motschulsky, 1845, *Bull. Soc. imp. Nat. Moscou* 18(i) : 32  
*globulus*, *Hydrophilus*, Paykull, [1798], *Fauna svec.*, *Ins.* 1 : 188  
*Paracymus* Thomson, 1867, *Skand. Coleopt.* 9 : 119  
*punctatostriatus*, *Hydrobius*, Letzner, [1841], *Uebers. Arb. schles. Ges.* 1840 : 81  
*rufiventris*, *Hydrobius*, Horn, 1873, *Proc. amer. phil. Soc.* 13 : 135

CERTIFICATE

WE certify that the votes cast on Voting Paper 59(9) were cast as set out above, that the proposals set out in the voting paper have been adopted under the plenary powers, and that the decision so taken, being the decision of the International Commission, is truly recorded in the present Opinion No. 583.

N. D. RILEY  
*Hon. Secretary*

W. E. CHINA  
*Assistant Secretary*

*International Commission on Zoological Nomenclature*

*London*  
*8 January 1960*